

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 934

Introduced by Assembly Member Cooley

February 22, 2013

An act to amend Section 50050 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, as amended, Cooley. Local agencies: unclaimed money.

Existing law requires local agencies, as defined, to retain money, that remains unclaimed and that is not the property of the local agency in its treasury or in the official custody of its officers, for a period of 3 years, after which time, if the money has not been claimed, it reverts to the local agency, as specified. *Existing law also requires moneys constituting restitution for victims to be place into a Restitution Fund or used for victim services after the 3-year period.*

~~This bill would make a technical, nonsubstantive change to this provision.~~

This bill would additionally require a local agency to document that it has made a reasonable effort to locate the victim to whom the restitution is owed prior to depositing funds into the Restitution Fund or using those funds for victim services. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 50050 of the Government Code is
2 amended to read:

3 50050. For purposes of this article, “local agency” includes all
4 districts. Except as otherwise provided by law, money, excluding
5 restitution to victims, that is not the property of a local agency that
6 remains unclaimed in its treasury or in the official custody of its
7 officers for three years is the property of the local agency after
8 notice if not claimed or if no verified complaint is filed and served.
9 At any time after the expiration of the three-year period, the
10 treasurer of the local agency may cause a notice to be published
11 once a week for two successive weeks in a newspaper of general
12 circulation published in the local agency. Money representing
13 restitution collected on behalf of victims shall either be deposited
14 into the Restitution Fund or used by the local agency for purposes
15 of victim services after the expiration of the three-year period.
16 *Before restitution moneys are deposited into the Restitution Fund*
17 *or used by the local agency for purposes of victim services, the*
18 *local agency shall document that it has made a reasonable effort*
19 *to locate the victim to whom the restitution is owed.* However, with
20 respect to moneys deposited with the county treasurer pursuant to
21 Section 7663 of the Probate Code, this three-year period to claim
22 money held by a local agency is extended for an infant or person
23 of unsound mind until one year from the date his or her disability
24 ceases.

25 For purposes of this section, “infant” and “person of unsound
26 mind” have the same meaning as given to those terms as used in
27 Section 1441 of the Code of Civil Procedure.

28 SEC. 2. *If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

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